

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                                     |   |                                    |
|-------------------------------------|---|------------------------------------|
| GREGORY SHANE KINNARD, JR.,         | ) |                                    |
|                                     | ) | Civil Action No. 18 – 289          |
| Plaintiff,                          | ) |                                    |
|                                     | ) |                                    |
| v.                                  | ) | Magistrate Judge Lisa Pupo Lenihan |
|                                     | ) |                                    |
| PA. DEPT. OF CORRECTIONS, <i>et</i> | ) |                                    |
| <i>al.</i> ,                        | ) |                                    |
|                                     | ) |                                    |
| Defendants.                         | ) |                                    |

**MEMORANDUM ORDER**

Upon review, the Court has determined that the above action case number is duplicative of Case No. 18-298.<sup>1</sup> As part of its general power to administer its docket, a district court may stay or dismiss a suit that is duplicative of another suit in federal court. *See Colo. River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976) (“As between federal district courts, . . . though no precise rule has evolved, the general principle is to avoid duplicative litigation.”); *Walton v. Eaton Corp.*, 563 F.2d 66, 70 (3d Cir. 1977) (en banc) (prohibiting a plaintiff from “maintain[ing] two separate actions involving the same subject matter at the same time in the same court and against the same defendant.”) Given that Case No. 18-298 is further along in its procedural posture, the undersigned will dismiss this action as duplicative so that Plaintiff can pursue his claims against Defendants in Case No. 18-298.

**AND NOW**, this 15th day of October, 2018;

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<sup>1</sup> The complaints in these two cases are identical.

**IT IS HEREBY ORDERED** that this case is dismissed as duplicative to Case No. 18-298.

**AND IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

/s/ Lisa Pupo Lenihan  
Lisa Pupo Lenihan  
United States Magistrate Judge

cc: Gregory Shane Kinnard, Jr.  
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